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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,597	05/18/2001	I-Jen Lai	MR929-675	3554

4586 7590 07/14/2004

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 07/14/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,597

Applicant(s)

LAI ET AL.

Examiner

Gevell Selby

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to because the word "FLASH" is misspelled in figure 1, elements 20 and 22. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. ^{1,} Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al., US 6,700,613, in view of Tranchita et al., US 5,739,847.

In regard to claim 1, Bryant et al., US 6,700,613, discloses a digital camera with a multi-illuminating source, the digital camera comprising:

a microprocessor (see figure 9, element 66) for providing a trigger signal (see column 6, line 65 to column 7, line 3);

a flash lamp driver (see figure 2, element 62) connected to the microprocessor for receiving the trigger signal (see column 6, lines 41-46 and column 7, lines 1-3 : It is inherent the flash unit is connected to the controller, so that the controller can instruct the flash to illuminate the subject.);

a flash lamp (see figure 9, element 62) connected to the flash lamp driver, wherein the flash lamp driver controls the flash lamp that emits a flashlight signal toward a target (see column 6, lines 41-43: It is inherent that the flash unit has a flash lamp to illuminate the subject.);

an infrared element (see figure 9, element 60) connected to a driver for emitting a series of infrared light signals toward the target (see column 6, lines 39-41);

a charge coupled sensor (see figure 9, element 28 and column 4, lines 24-42) connected to the microprocessor for receiving a reflected signal from the target through a filter (see figure 2, elements 36 and 38 and column 6, lines 10-15) and converting the reflected signal into a digital photo signal, wherein the filter is connected to the charge coupled sensor (see column 5, lines 25-55); and

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a memory (see figure 9, element 74 or 76) connected to the charge-coupled sensor for storing the digital photo signal from charge-coupled sensor (see column 7, lines 7-14).

The Bryant reference does not disclose a laser driver connected to the microprocessor for receiving the trigger signal.

Tranchita et al., US 5,739,847, discloses an electronic surveillance camera that uses infrared radiation from a light source such as a laser diode or LEDs to illuminate a desired field of view (see column 2, lines 30-37 and 62-64). Transistor switches are selectively controlled to provide different operating voltages that drive the light source to provide varying intensities of illumination (see column 2, lines 43-50).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Bryant et al., US 6,700,613, in view of Tranchita et al., US 5,739,847, to have a laser driver in order to vary the intensity of the light and provide adequate illumination to record distinguishable features of a person in even the most dimly lit conditions as taught by Tranchita (see column 2, lines 64-67).

In regard to claims 2 and 3, Bryant et al., US 6,700,613, in view of Tranchita et al., US 5,739,847, discloses the digital camera with a multi-illuminating source as claimed in claim 1. Tranchita et al., US 5,739,847, discloses that the infrared element is an infrared laser diode (IR LD) or an infrared LED (see column 2, lines 30-37 and 62-64).

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art discloses cameras with infrared illumination:

US 6,344,874,

US 5,739,847,

US 5,634,144,

US 6,025,942.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc-Yen Vu can be reached on 703-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



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